

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF MICHIGAN
SOUTHERN DIVISION

RENNEL PITTS,

Petitioner,

v.

C. ZYCH,

Respondent.

Hon. Victoria A. Roberts

Case No. 09-12329

ORDER

On June 16, 2009, Petitioner filed a writ of habeas corpus under 28 U.S.C. § 2241, claiming that a Bureau of Prisons regulation excluding certain inmates from early release is arbitrary, capricious, and contrary to law. The regulations exclude inmates with prior misdemeanor or felony convictions for certain serious or violent crimes. On June 19, 2009, this Court issued an Order summarily denying Petitioner's writ of habeas corpus on the merits. (Doc. 4). This Court said the Bureau's regulation was a valid exercise of its authority.

Petitioner appealed. The Sixth Circuit vacated this Court's Order and remanded with instructions to dismiss for lack of jurisdiction, because the Petitioner's challenge is not yet ripe. See *Pitts v. Zych*, 2011 WL 852091 at *1 (6th Cir. March 11, 2011). The Bureau had not yet decided that Pitts was ineligible for early release. The Court said: "Until the relevant legal staff of the Bureau determines that Pitts is ineligible for early release, we do not know whether Pitts will suffer any injury." *Id.* at *2. Furthermore, the Court said it is not a foregone conclusion that Pitts would be denied early release because he does not say whether he has a prior conviction which would render him

ineligible under the regulation. *Id.*

In accordance with the Sixth Circuit's Opinion and Mandate, this Court

DISMISSES Petitioner's claims for want of jurisdiction.

IT IS ORDERED.

S/Victoria A. Roberts

Victoria A. Roberts

United States District Judge

Dated: May 12, 2011

The undersigned certifies that a copy of this document was served on the attorneys of record and Rennel Pitts by electronic means or U.S. Mail on May 12, 2011.

s/Carol A. Pinegar

Deputy Clerk